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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,452	04/26/2001	Michael J. Narayan	MFCP.81824	8292
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SHOOK, HARDY & BACON LLP 2555 GRAND BLVD KANSAS CITY,, MO 64108			EXAMINER CHANKONG, DOHM	
			ART UNIT 2152	PAPER NUMBER
DATE MAILED: 02/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/843,452

Applicant(s)

NARAYAN ET AL.

Examiner

Dohm Chankong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1> Applicant's amendment and remarks, dated 10.28.2004 have been received and reviewed. Claims 9, 10 and 13-18 were cancelled. Claims 1-8, 11 and 12 are now presented for examination.

Response to Arguments

2> Applicant's arguments with respect to claims 1-8, 11 and 12 have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendment of the claims.

Claim Rejections - 35 USC § 102

3> The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4> Claims 8, 11 and 12 are rejected under 35 U.S.C § 103(a) as being anticipated by Chafle et al, U.S Patent Publication No. 2002/0152271 A1 ["Chafle"].

5> As to claim 8, Chafle discloses a method for use in a computer system, operating in a peer-to-peer environment having a host peer and at least one non-host peer, and for requesting operations of the host peer, the operations being one of a provided list of recognized operations which may be requested, comprising:

sending, by the non-host peer, at least one operation request from the provided list to the host peer [0054, 0056 and 0059 where: the operation request includes joining, leaving a session and Chafle's introducer is analogous to a host peer];

receiving, by the non-host peer, an operation order and an assigned unique version number associated with the operation request [0062 where: Chafle's timestamps are analogous to an assigned unique version number and his modifications are analogous to an operation order];

determining whether the assigned version number received is the next in a sequence of version numbers processed by the receiving non-host peer, and if it is not, queuing the operation order until the version number is next in the sequence of version numbers processed by the receiving peer [0033, 0058, 0062 where: the FIFO channel is comparable to a queue]; and

processing by the receiving peer, the operation order in the order of the assigned version number [0033, 0034, 0060, 0062].

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6> As to claims 11 and 12, as they are merely variations (computer system and computer readable medium) on the implementation of the steps of the method of claim 8, they do not teach or further define over the previously claimed limitations. Therefore, claims 11 and 12 are rejected for the same reasons set forth for claim 8, supra.

Claim Rejections - 35 USC § 103

7> The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8> Claims 1-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fennell, Jr. et al., U.S. Patent No. 5,695,400 ["Fennel"], in view of Pabla.

9> As to claim 1, Fennell discloses a method for use in a computer system, operating in a peer to peer environment, and for ordering operation requests of the peers, the operation requests being one of a provided list of recognized operations which may be requested, comprising:

receiving a first operation request from the provided list [column 3 «lines 31-44 and 62-64» where: the provided list are the multiple choice answers to the posed question, player's response (answer) to the question being analogous to an operation request];

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assigning a first unique version number to the first operation request [column 4 «lines 35-56» where: the host assigns a timestamp to the responses from the players, the timestamp akin to a unique version number];

subsequently receiving a second operation request from the provided list [column 3 «lines 31-44 and 62-64» | column 4 «lines 32-35» where: the response from a second player is analogous to a second operation request];

assigning a second unique version number to the second operation request, the second unique version number indicating a later receipt time than the first unique version number, such that the peer evaluates relative arrival times of the first operation request and the second operation request based on the first unique version number and the second unique version number [column 4 «lines 35-56»].

Fennell discloses a peer to peer embodiment [column 4 «line 66» to column 5 «line 18»] but does not specifically disclose a host peer.

10> Pabla discloses a hybrid peer-peer and client-server system where one peer node in a peer-peer system acts as a host peer (server) that receives operation requests from fellow peers [0010, 0011, 0050]. It would have been obvious to one of ordinary skill in the art to incorporate host peer functionality as taught by Pabla into Fennell's peer system; specifically, implementing Fennell's central game server [column 4 «line 55»] as part of the peer network as a peer server. One would have been motivated to perform such an implementation for the obtained benefits of both the peer-peer and client-server paradigms: that is, having the

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reduced load on server systems, but maintaining a central host peer to coordinate services that would require server functionality [see Pabla: 0010].

11> As to claim 2, Fennell and Pabla disclose the method of claim 1, further comprising processing by the host peer, the operation requests in the order of the assigned version number [Fennell: column 3 «line 65» to column 4 «line 7» | column 4 «lines 32-46» where: the responses of the players are processed in order of their respective responses' timestamps].

12> As to claim 3, Fennell and Pabla disclose the method of claim 2, further comprising sending, by the host peer, an operation order and assigned version number to each peer in the peer-to-peer environment, the order and the version number being associated with the operation request [Fennell: column 2 «lines 54-56» | column 4 «lines 8-17 and lines 32-46» where: the signals locking a terminal out or notifying that a terminal has control and timestamp are analogous to operation order and assigned version number].

13> As to claim 4, Fennell and Pabla disclose the method of claim 3, further comprising processing, by the receiving peer, the operation order in the order of the assigned version number [Fennell: column 2 «lines 54-56»].

14> As to claim 5, Fennell does not explicitly disclose that the operations are name table operations.

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15> Pabla discloses operations that are name table operations [0050]. It would have been obvious to one of ordinary skill in the art to incorporate Pabla's name table operations into Fennell's peer-peer operations. Since Fennell discloses a multi-player game, one of ordinary skill in the art would have reasonably inferred utilizing Pabla's name table operations, such as creating and joining peers, which would have enhanced Fennell by allowing his invention to handle players joining the multiplayer game in the same fashion that Fennell handles players actions.

16> As to claims 6 and 7, as they are merely variations (computer system and computer readable medium) on the implementation of the steps of the method of claim 1, they do not teach or further define over the previously claimed limitations. Therefore, claims 6 and 7 are rejected for the same reasons set forth for claim 1, supra.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (571)272-3942. The examiner can normally be reached on 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



Dung C. Dinh
Primary Examiner